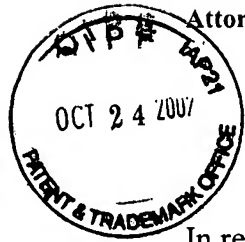


3FW/3767



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Park *et al.*

Serial No: 10/023,259

Filed: December 14, 2001

For: MICRONEEDLE DEVICES AND
PRODUCTION THEREOF

Attorney Docket No. BVTP-P01-590

Art Unit: 3763

Examiner: SIRMONS, KEVIN C.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

10/18/07

Date of Signature
and of Mail Deposit

Andrea Berlo

Andrea Berlo

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

UNDER 37 C.F.R. § 1.181(a)

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is filed in response to the Notice of Abandonment mailed on October 9, 2007, in connection with the above application. Applicants petition for withdrawal of the Examiner's holding of abandonment of the above-referenced application, on the ground that a Notice of Appeal and a Petition for Extension of Time were timely filed by Express Mail Procedure as specified in 37 C.F.R. § 1.10.

A Final Office Action in connection with the above application was mailed on May 13, 2004. Applicants filed a Notice of Appeal on Monday, November 15, 2004, with an

accompanying Petition for Three-Month Extension of the response period. In filing the Notice of Appeal, Applicants properly followed the Express Mail Procedure pursuant to 37 C.F.R. § 1.10.

Applicants submit herewith:

- a copy of the Notice of Appeal, as originally filed on November 15, 2004, bearing a signed Certificate of Express Mailing under Airbill No. EV 543609353 US;
- a copy of the Three-Month Petition for Extension of Time under 37 C.F.R. §1.136(a), as originally filed on November 15, 2004, bearing a signed Certificate of Express Mailing under Airbill No. EV 543609353 US;
- a copy of the Fee Transmittal, as originally filed on November 15, 2004, bearing a signed Certificate of Express Mailing under Airbill No. EV 543609353 US;
- a copy of the postcard receipt for the Notice of Appeal, Petition for Extension of Time, Fee Transmittal, and authorization to charge fees, dated November 15, 2004, bearing Express Mail Airbill No. EV 543609353 US, date-stamped by OIPE to indicate a receipt date of November 15, 2004;
- a copy of the Post Office to Addressee Express Mail Label (EV 543609353 US), showing the Date-In as 11-15-04, 5:58 PM. The Express Mail Label also shows the Attorney Docket No. BVTP-P01-590;
- a copy of the above-referenced Notice of Appeal and Petition for Extension of Time, bearing the OIPE date-stamp of November 15, 2004, which are downloaded from the Image File Wrapper of PAIR; and,
- A copy of the relevant section of the USPTO Deposit Account Statement for November 2004 for Account Number 18-1945, showing charges of \$490 (fee code 2253 for three-month extension for small entity) and \$170 (fee code 2401 for Notice of Appeal for small entity) under U.S.S.N. 10/023259 on November 17, 2004.

Applicants petition that the holding of abandonment of the above-identified patent application be withdrawn, as a proper reply (Notice of Appeal with Petition for Extension of Time) was timely filed. Support for this Petition is provided by the enclosed submissions, which

establish that the Notice of Appeal and Petition for Extension of Time were timely filed in the USPTO, using Express Mail Procedure on November 15, 2004, and were received by the USPTO. In addition, Applicants promptly submitted the instant Petition upon receipt of the Notice of Abandonment.

Respectfully submitted,

DATE: October 18, 2007

by Lisa M. Treannie

Lisa M. Treannie

Reg. No. 41,368

Ropes & Gray LLP

One International Place

Boston, MA

Agent for Applicant(s)

Tel. No. (617) 951-7000

Fax No. (617) 951-7050



FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Complete if Known	
TOTAL AMOUNT OF PAYMENT	(\$)	660.00
Application Number		10/023259
Filing Date		December 14, 2001
First Named Inventor		Jung-Hwan Park
Examiner Name		K. C. Simons
Art Unit		3763
Attorney Docket No.		BVTP-P01-590

METHOD OF PAYMENT (check all that apply)	
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<input type="checkbox"/> Money Order	<input type="checkbox"/> Other
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<input checked="" type="checkbox"/> Deposit Account:	
Deposit Account Number	18-1945
Deposit Account Name	Ropes & Gray LLP
The Director is authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Credit any overpayments
<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.	

FEE CALCULATION (continued)

3. ADDITIONAL FEES					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	490.00
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	170.00
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$) 660.00

FEE CALCULATION					
1. BASIC FILING FEE					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE					
Total Claims		** =	Extra Claims	x	Fee from below
Independent Claims		** =		x	
Multiple Dependent					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					0.00
**or number previously paid, if greater; For Reissues, see above					

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Lisa M. Treannie	Registration No. (Attorney/Agent)	41,368
Signature	<i>Lisa M. Treannie</i>	Telephone	(617) 951-7725
		Date	November 15, 2004

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Dated: 11-15-04 Signature: Andrea Berlo (Andrea Berlo)



Via: Express Mail: Airbill No. EV543609353US	Atty Dkt No.: BVTP-P01-590
Inventor: Park et al.	
Application No.: 10/023259	Filing Date: December 14, 2001
Title: MICRONEEDLE DEVICES AND PRODUCTION THEREOF	

Documents Filed:

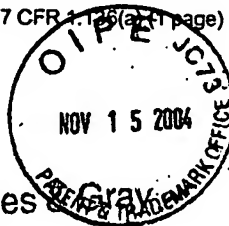
Fee Transmittal (1 page)

Three Month Request for Extension of Time Under 37 CFR 1.126(a) (1 page)

Notice of Appeal (1 page)

Charge \$660.00 to deposit account 18-1945

Return receipt postcard



Ropes & Gray

Sender's Initials: LMT/YL/amb	NOV 22 2004 Date: November 15, 2004
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Intellectual Property Dept.



Via: Express Mail: Airbill No. EV543609353US	Atty Dkt No.: BVTP-P01-590
Inventor: Park et al.	
Application No.: 10/023259	Filing Date: December 14, 2001
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Notice of Appeal (1 page)
Charge \$660.00 to deposit account 18-1945
Return receipt postcard

Sender's Initials: LMT/Y/amb	Date: November 15, 2004
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9584970.1

EV543609353US



EV 543609353 US



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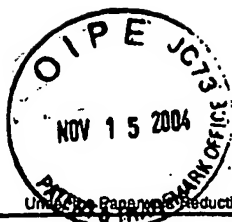
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**FEE TRANSMITTAL
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 660.00**Complete if Known**

Application Number	10/023259
Filing Date	December 14, 2001
First Named Inventor	Jung-Hwan Park
Examiner Name	K. C. Simons
Art Unit	3763
Attorney Docket No.	BVTP-P01-590

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 18-1945
Deposit Account Name: Ropes & Gray LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
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1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 660.00**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	780	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	** =	x	=
Multiple Dependent	** =	x	=

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	
1201	88	2201	44	Claims in excess of 20
1203	300	2203	150	Independent claims in excess of 3
1204	88	2204	44	Multiple dependent claim, if not paid
1205	18	2205	9	** Reissue independent claims over original patent
				** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

Name (Print/Type) Lisa M. Treannie

Registration No. (Attorney/Agent)

41,368

(Complete if applicable)

Telephone (617) 951-7725

Signature

Lisa M. Treannie

Date

November 15, 2004

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Dated:

11-15-04

Signature:

Andrea Berlo (Andrea Berlo)



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Patent and
Trademark Office**

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Deposit Account Statement

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Attention: CATHY HOWELL/ PATENT DEPT.33/48
Address: ONE INTERNATIONAL PLACE
City: BOSTON
State: MA
Zip: 02110-2624

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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11/17 88	09445328 00960-514	1251	\$110.00	\$51,6
11/17 104	60627476 TUU-P60-037	1005	\$160.00	\$51,5
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\$50,005.50	\$167,698.00	\$140,504.00	\$22,811.50

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

BVTP-P01-590

In re Application of
Park et al.

Application Number

10/023259

Filed

December 14, 2001

For MICRONEEDLE DEVICES AND PRODUCTION THEREOF

Art Unit

3763

Examiner

K. C. Simons

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 340.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 170.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 18-1945. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 41,368

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34.

Lisa M. Treannie
Signature

Lisa M. Treannie
Typed or printed name

(617) 951-7725

Telephone number

November 15, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV543609353US, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on the date shown below.

Dated: 11/15/04

Signature: Andrea Berlo

(Andrea Berlo)



PTO/SB/31 (09-04)

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) BVTP-P01-590
In re Application of Park et al.		
Application Number 10/023259		Filed December 14, 2001
For MICRONEEDLE DEVICES AND PRODUCTION THEREOF		
Art Unit 3763		Examiner K. C. Sirmons

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 340.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

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☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)☒ attorney or agent of record.
Registration number 41,368☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____
SignatureLisa M. Treannie
Typed or printed name(617) 951-7725
Telephone numberNovember 15, 2004
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

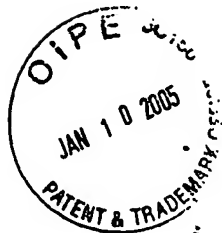
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11/17/2004 JADD01 00000067 181945 18023259

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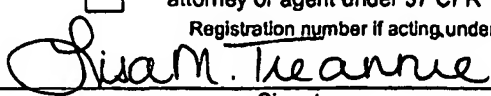
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Dated: <u>11/15/04</u>	Signature: <u>Andrea Berlo</u> (Andrea Berlo)



PTO/SB/22 (10-04)

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (fees effective on or after October 1, 2004)		Docket Number (Optional) BVTP-P01-590	
Application Number 10/023259		Filed December 14, 2001	
For MICRONEEDLE DEVICES AND PRODUCTION THEREOF			
Art Unit 3763		Examiner K. C. Simons	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$110.00	\$55.00	\$
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$430.00	\$215.00	\$
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$980.00	\$490.00	\$ 490.00
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1,530.00	\$765.00	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2,080.00	\$1,040.00	\$
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 18-1945. I have enclosed a duplicate copy of this sheet.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number 41,368			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a)			
 Signature		November 15, 2004 Date	
Lisa M. Treannie Typed or printed name		(617) 951-7725 Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of 1 forms are submitted.			

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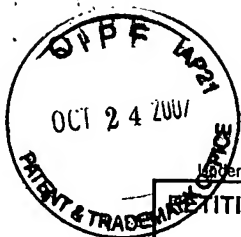
Dated:

11-15-04

Signature:



(Andrea Berto)

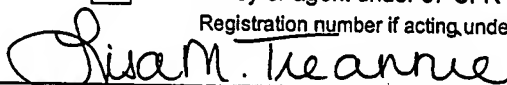


PTO/SB/22 (10-04)

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Application Number 10/023259		Filed December 14, 2001	
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<input checked="" type="checkbox"/> attorney or agent of record. Registration Number 41,368			
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Dated: 11-15-04

Signature: 

(Andrea Berlo)